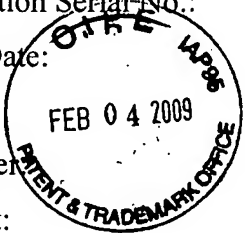


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bacus, et al.
Application Serial No.: 10/735,118
Filing Date: December 11, 2003
Title: Method For Predicting Response to Her-2 Directed Therapy
Examiner: Goddard, Laura B.
Art Unit: 1642
Atty. Docket No.: CST-213
Confirmation No.: 4570

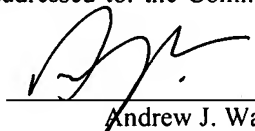


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Date: February 4, 2009



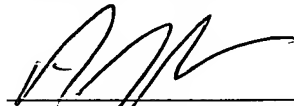
Andrew J. Warner

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Cover Sheet

The attached documents (Fax Cover Sheet, Transmittal, Response to Restriction Requirement and Petition For Extension Of Time) were transmitted to (571) 273-8300 on 2/3/09 and 2/4/09, but no auto-reply from the USPTO was received. Accordingly, Applicants submit the aforementioned documents herewith via USPS Express Mail. If there are any questions regarding this filing the Examiner is kindly requested to contact Attorney for Applicants at the undersigned.

Respectfully submitted,



Andrew J. Warner, Reg. No. 56,049
Associate Intellectual Property Counsel
CELL SIGNALING TECHNOLOGY, INC.
3 Trask Lane
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Dated: February 4, 2009



DATE: February 4, 2009

This transmission consists of this cover sheet and 14 page(s) to:

FAX NO: (571) 273-8300

ATTENTION: Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FROM: Andrew J. Warner
Associate Intellectual Property Counsel
(978) 867-2343
awarner@cellsignal.com

RE: Response to Office Action mailed September 4, 2009 in
U.S.S.N. 10/735,118

COMMENTS/SPECIAL INSTRUCTIONS:

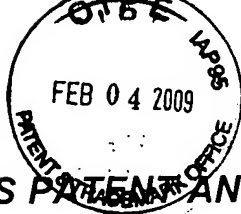
The attached response was faxed yesterday and no auto-reply was received; kindly send confirmation upon receipt of these documents.

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Date of Deposit: February 3, 2009



Atty. Docket No.: CST-213
PAIR Customer No.: 31012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Atty. Docket No.: CST-213
Confirmation No.: 4570

CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8

I hereby certify that this correspondence, and any documents referred to as attached hereto, is/are being transmitted to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, Central facsimile number: (571) 273-8300 on this 3rd day of February, 2009.


Lisa M. Pappalardo

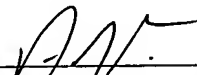
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Attached hereto for filing in the above-identified provisional patent application are:

1. Transmittal letter (1 page);
2. Response to Restriction Requirement (11 pages);
3. Petition for Extension of Time (2 pages); and
4. ~~Return Postcard.~~

Respectfully submitted,


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Dated: February 3, 2009